

FILED

10 AUG 30 AM 8:46

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIF.

BY:

DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Civil No. 10cv1312-BEN(POR)
	)	
Plaintiff,	)	JUDGMENT
	)	OF FORFEITURE
v.	)	
	)	
ONE 2004 BMW M3,	)	
CA LICENSE NO. 5KEC140,	)	
VIN WBSBR93424PK07576,	)	
ITS TOOLS AND APPURTENANCES,	)	
	)	
\$1,845.00 IN U.S. CURRENCY,	)	
	)	
Defendants.	)	

Having reviewed the foregoing Joint Motion and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED and DECREED:

The Joint Motion is approved.

1. The parties have entered into this joint motion in order to resolve the matter of the seizure and forfeiture of the above-referenced defendants, One 2004 BMW M3, CA License No. 5KEC140, VIN WBSBR93424PK07576, its tools and appurtenances ("defendant vehicle") and \$1,845.00 in U.S. currency ("defendant currency").

2. The parties have agreed to a settlement which is hereinafter described in its particulars:

//

//

**Defendant 2004 BMW M3**

a. The claimant, Adam Jacob Mendes, shall pay \$10,000.00 in U.S. Currency by cashier's check made payable to the U.S. Marshals Service by 5:00 p.m. on September 17, 2010. The \$10,000.00 shall be condemned and forfeited to the United States pursuant to Title 21, United States Code, Section 881. Upon payment of the \$10,000.00, the United States agrees to return the defendant vehicle to claimant, Adam Joseph Mendes, through his attorney of record, James H. Pasto. Costs incurred by the United States incident to the seizure and custody of the defendant vehicle shall be borne by the claimant. If the claimant fails to make the payment of \$10,000.00 in U.S. Currency by cashier's check made payable to the U.S. Marshals Service by 5:00 p.m. on September 17, 2010, the defendant vehicle shall be condemned and forfeited to the United States pursuant to Title 21, United States Code, Section 881. The U.S. Marshals Service shall then sell the defendant vehicle with the proceeds of the sale to be distributed under the following terms. Costs incurred by the United States incident to the seizure and custody of the defendant vehicle shall be paid from the proceeds of the sale before any distribution is made to the United States. After costs are paid, the United States shall then receive all of the remaining net proceeds. The claimant, Adam Jacob Mendes, shall receive none of the proceeds from the sale of the defendant vehicle.

**Defendant \$1,845.00 in Currency**

b. \$1,845.00 of the defendant currency shall be forfeited and condemned to the United States pursuant to Title 21, United States Code, Section 881. None of the defendant currency shall be returned to the claimant, Adam Jacob Mendes.

3. The terms of this settlement do not affect the tax obligations, fines, penalties, or any other monetary obligations the claimant owes to the United States.

4. The person or persons who made the seizure or the prosecutor shall not be liable to suit or judgment on account of such seizure in accordance with Title 28, United States Code, Section 2465. Claimant has agreed that by entering into this joint motion, he has not "substantially prevailed" within the meaning of 28 U.S.C. § 2465. All parties shall bear their own costs and

1 expenses, including attorney fees. Judgment shall be entered in favor of the United States on  
2 its complaint.

3 5. Claimant has warranted and represented as a material fact that he is the sole owner  
4 of the defendant vehicle and defendant currency and has further warranted that no other person or  
5 entity has any right, claim or interest in the defendants, and that he will defend and indemnify the  
6 United States against any and all claims made against it on account of the seizure and forfeiture of  
7 the defendant properties.

8 6. The Claimant, his agents, employees, or assigns, shall hold and save harmless the  
9 United States of America, its agents and employees, from any and all claims which might result  
10 from the seizure of the defendant properties.

11 This case is hereby ordered closed. Let judgment be entered accordingly.

12  
13 DATED:  8/27/2010

14  
15   
16 ROGER C. BENITEZ, Judge  
17 United States District Court  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28